

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON D. WOLFF,

Defendant.

8:19CR381

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the Government's Motion for Preliminary Order of Forfeiture (ECF No. 51). In its motion, the Government also moves to dismiss the Forfeiture Allegation of the Indictment regarding \$4,651 in U.S. currency. The Court reviewed the record in this case and finds as follows:

1. Defendant Brandon D. Wolff entered into a Plea Agreement (ECF No. 48) whereby he entered a plea of guilty to Count One of the Indictment charging defendant with conspiracy to distribute with possession and intent to distribute methamphetamine, in violation of 21 U.S.C. § 846. Defendant also admitted to the Forfeiture Allegation of the Indictment alleging that defendant used \$4,352.25 U.S. currency and \$4,651 U.S. currency to facilitate the offenses, and/or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offenses.

2. By virtue of said plea of guilty, defendant has forfeited his interests in the \$4,352.25 U.S. currency. Accordingly, the United States should be entitled to possession of the \$4,352.25 U.S. currency. See 21 U.S.C. § 853.

3. Because the \$4,651 was not transferred to federal law enforcement custody and remains in the custody of South Dakota law enforcement, the motion to dismiss the \$4,651 U.S currency from the Forfeiture Allegation of the Indictment will be granted.

Accordingly,

IT IS ORDERED:

- A. The Motion for Preliminary Order of Forfeiture and to dismiss the \$4,651 U.S currency from the Forfeiture Allegation of the Indictment, ECF No. 51, is granted.
- B. Based upon the Forfeiture Allegation of the Indictment and the pleas of guilty, the United States is hereby authorized to seize the \$4,352.25 in U.S. currency.
- C. Defendant's interest in the \$4,352.25 in U.S. currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
- D. The United States shall hold the currency in its secure custody and control.
- E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency.
- F. Pursuant to 21 U.S.C. § 853(n)(2), such notice shall provide that any person, other than the defendant, having or claiming a legal interest in any of the

property must file a petition with this Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

- G. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.
- H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 23rd day of June, 2020.

BY THE COURT:

s/ Laurie Smith Camp
Senior United States District Judge